



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,729	02/12/2001	Thomas E. Vass	P-4425.003	8003
24112	7590	12/06/2005	EXAMINER	
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			SUBRAMANIAN, NARAYANSWAMY	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 12/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/781,729	Applicant(s) VASS, THOMAS E.	
	Examiner Narayanswamy Subramanian	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 20-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's communication filed on October 6, 2005. Amendments to claim 1 have been entered. Claims 1-25 are pending in the application of which claims 20-25 have been withdrawn as being drawn to a non-elected group. Applicants in replying to this office action are respectfully advised to cancel the non-elected withdrawn claims. Rejections made under 35 USC § 101 in the last office action have been withdrawn in view of the amendments. Claims 1-19 have been examined. The rejections and response to arguments are stated below.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 1 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Board of Appeals 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966). In the instant case, claim 1 recites use of a website. However no steps involved in the use are set forth in the claim. Based on this deficiency the claim is not a proper process as also supported by the foregoing case law.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Art Unit: 3624

5. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites in the preamble “method for promoting commerce”. However it is not clear from the steps of the claim as to how this objective is achieved. Claims 2-19 are rejected by their dependency on claim 1.

Claim 1, recites the limitation “using website”. It is not clear what the applicant means by the term “using”. The metes and bounds of this limitation are unclear.

Claim 1 provides for the use of website, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced. The limitation “to update technical coefficients in a regional econometric input-output model” is not a positive recitation but only requires the ability to do so. Claims 2-19 are rejected by their dependency on claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin et al (US Patent 6,141,653).

With reference to claim 1, Conklin teaches a computer implemented method of promoting commerce comprising: using a regional metropolitan industry-to-industry Internet electronic commerce website (See Conklin Abstract and Column 18 lines 12-15). The limitation “to update technical coefficients in a regional econometric input-output model” is treated as an intended use. It would have been obvious to one of ordinary skill in the art to use the website for various e-commerce activities including updating technical coefficients in a regional econometric input-output model. The updates would have helped an economist keep track of the changes in the structural relationships between the various industries.

With reference to claims 2-19, Conklin teaches the steps of continuously updating said electronic commerce website (See Conklin Column 20 lines 19-22 and Column 21 lines 42-45) wherein using a regional metropolitan industry to industry Internet electronic commerce website comprises accepting orders from industries through the website (See Conklin Column 14 lines 3-5, participants are interpreted to include industries also); wherein using a regional metropolitan industry to industry Internet electronic commerce website comprises tracking transactions between industries on the website (See Conklin Column 14 lines 5-6, participants are interpreted to include industries also); establishing an industry to industry electronic commerce web site for a particular region (See Conklin Column 18 lines 12-15); comprising converting transaction data derived from said tracking into a regional input-output matrix of technical coefficients (Old and well known); recording transactions that occur between businesses on the electronic website (See Conklin Column 14 lines 21-25 and Column 18 lines 66-67); identifying new businesses in new industrial sectors based on said tracking (See Conklin Column 30 lines 5-10) and monitoring said new businesses in a specific region (See Conklin Column 19 lines 45-51);

Art Unit: 3624

storing inter-industrial purchase and sales transaction data on a temporary basis in a website host computer (See Conklin Column 14 lines 21-25, transaction data for the community is interpreted to include inter-industrial purchase and sales transaction data); collecting and storing data from single transactions between firms on a temporary basis on the website host computer (See Conklin Column 14 lines 21-25); transmitting data from the website host computer on a plurality of businesses in a plurality of sectors to a computer database (See Conklin Column 14 lines 21-25); collecting, storing, aggregating and analyzing data on multiple transactions that occur over a fixed time interval stored in said computer database (See Conklin Column 20 lines 55-63 and Column 34 lines 5-9); allowing single buyers and single sellers to meet and negotiate terms and conditions of a transaction on said website (See Conklin Abstract); tracking transactions entered into as a result of said allowing single buyers and single sellers to meet and negotiate terms and conditions of a transaction on said website (See Conklin Abstract); allowing multiple buyers and multiple sellers to post fixed prices for fixed quantities to consummate a transaction on said website (See Conklin Column 20 lines 24-34); tracking transactions entered into as a result of allowing multiple buyers and multiple sellers to post fixed prices for fixed quantities to consummate a transaction on said website (See Conklin Column 20 lines 24-34 and Column 19 lines 44-47); allowing an auction exchange market to occur on said website (See Conklin Column 20 lines 25-34) and tracking transactions entered into as a result of said allowing an auction exchange market to occur on said website (See Conklin Column 19 lines 44-47, tracking activity is interpreted to include tracking transactions).

Response to Arguments

8. In response to applicant's argument that the limitation "to update technical coefficients in a regional econometric input-output model" is not an intended use, the examiner respectfully disagrees. The "intended use clause" not only applies to the apparatus claims but to method claims as well. In the instant case the limitation "to update" is not a positive recitation because it does not necessarily result in the updating of the technical coefficients but only requires the ability to do so.

Applicant's other arguments with respect to claims 1- 19 have been considered but are not persuasive.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Dethloff et al (US Patent 4,833,607) (May 23, 1989) Apparatus and Method to Control Economical Systems

(b) Rebane (US Patent 6,662,192 B1) (December 9, 2003) System and Method for Data Collection, Evaluation, Information Generation, and Presentation

(c) Park (US Pub. No. 2002/008930 A1) (June 27, 2002) Method and Apparatus for Internet Marketing and Transactional Development

(d) Greene (US Pub. No. 2002/0077916 A1) (June 20, 2002) Business to Business Internet Website

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is

Art Unit: 3624

(571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dr. N. Subramanian
November 30, 2005